



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	October 14, 2008
Land Use Action Date:	December 16, 2008
Board of Aldermen Action Date:	January 5, 2009
90-Day Expiration:	January 12, 2009

DATE: October 10, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner *CH*
Maurya Sullivan, Principal Planner/Telecommunications Specialist

SUBJECT: #321-08 METROPCS MASSACHUSETTS, LLC and NEWTON HIGHLANDS CONGREGATIONAL CHURCH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install for wireless communication 2 panel antennae flanking the louvers on the northeast side of the bell tower; 2 panel antennae flanking the louvers on the southeast side of the bell tower; 2 panel antennae flanking the southwest side of the bell tower; 1 GPS antenna mounted on the roof inside the bell tower parapet; and ancillary and radio equipment to be located with the bell tower at 54 LINCOLN STREET, Ward 6, Newton Highlands, on land known as Section 52, Block 41, Lot 3, containing approximately 38,716 square feet of land in a district zoned SINGLE RESIDENCE 2.

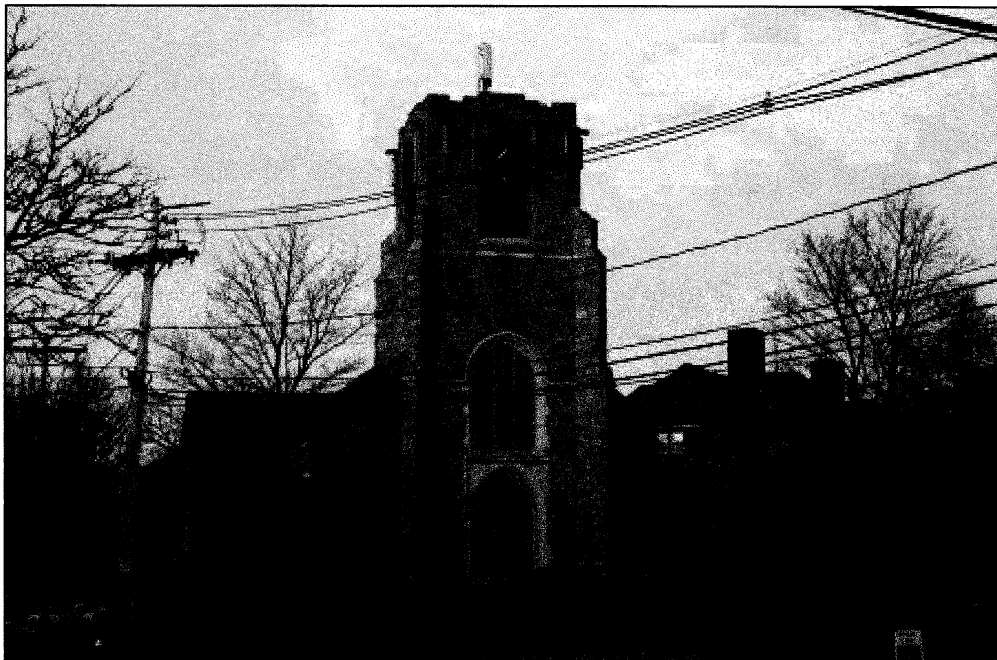
CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The petitioner, MetroPCS, is a licensed wireless mobile phone carrier. MetroPCS is building out a new system to compete with existing carriers (T-Mobile, AT&T, Verizon and Sprint) in the Boston region. MetroPCS and Newton Highlands Congregational Church, the petitioners, are seeking a special permit to install six façade-mounted antennas to three facades of the bell tower of the church. Prior Board Orders #459-97(2) (*ATTACHMENT "A"*) and 389-99(2) (*ATTACHMENT "B"*) authorized competing wireless companies T-Mobile and Sprint respectively to locate antennas on the roof and façade of the church bell tower.

The Newton Historical Commission reviewed the materials presented for the proposed telecommunications project and concluded that the proposed installation would have no further adverse impact on the Church or National Register district (*ATTACHMENT "C"*).



I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition the Board should consider whether:

- the proposed location is appropriate for an additional wireless installation; and
- the addition of antennas on three bell tower façades will have any adverse impacts on this historically significant building and/or the surrounding neighborhood.

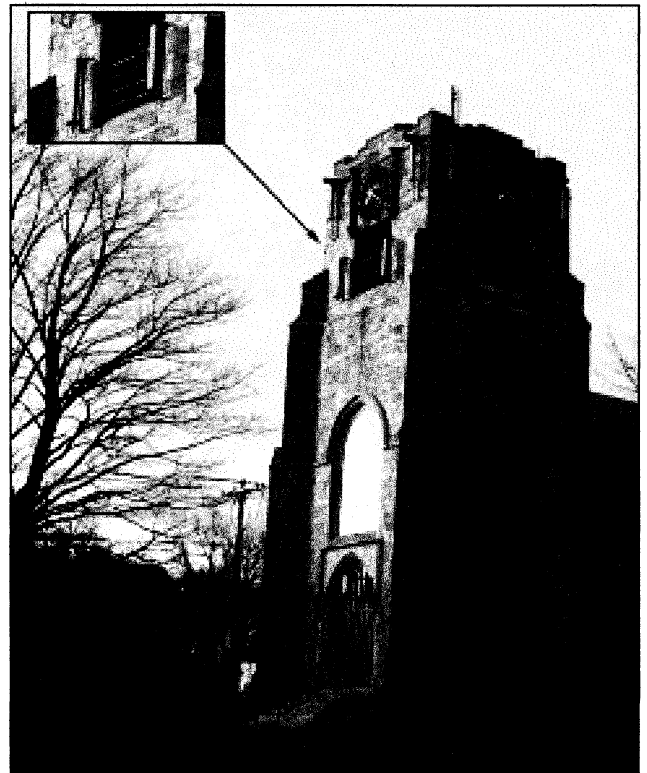
CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

Newton Highlands Congregational Church is located on a triangular site at the center of Newton Highlands at the corner of Lincoln and Hartford Streets. The site is in a Single Residence 2 zoning district, and is adjacent to a business area. Across Hartford Street is a block of commercial uses, the municipal parking lot and the NCSC youth center. Across Lincoln Street are several blocks of stores, restaurants and the post office. The business area is zoned Business 1, the municipal parking lot and the youth center are both zoned Public Use. The residences on Hartford Street are in a Multi-Residence 1 District.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

Façade mounted antennas will not change the use of the site as a church. Based on the information provided by the petitioner, the proposed installation is needed as part of a regional system to provide mobile phone service. The Planning Department notes that approval of this petition would result in the co-location of wireless equipment, which is encouraged by the Wireless Communications Ordinance.



B. Building and Site Design

The petitioner proposes to install six façade-mounted antenna to the bell tower of the church. The antennas will be painted and textured to match the fieldstone of the existing bell tower. The proposed antenna installation will meet the Design and Operating Criteria established in Section 30-18A(c) of the Zoning Ordinance.

C. Parking and Circulation

The proposal is for an unmanned wireless installation. As such, there should be no hazard to vehicles or pedestrians associated with this proposal. The petitioner estimates that only one trip per month will be necessary for the maintenance of the equipment. The Planning Department anticipates that representatives from MetroPCS will park along the adjacent street. A dedicated parking space on-site is not necessary given the limited frequency of vehicular trips related to the wireless equipment.

IV. COMPREHENSIVE PLAN

There is little discussion of wireless installations in the *Newton Comprehensive Plan*, adopted by the Board of Aldermen on November 19, 2007. However, as mentioned earlier

the Planning Department notes that approval of this petition would result in the co-location of wireless equipment, which is encouraged by the Wireless Communications Ordinance. The Planning Department assumes that revenue generated from the installation of proposed antennas will contribute towards the maintenance and operation of this historically significant building.

V. ZONING RELIEF SOUGHT

Based on the completed zoning review, dated August 15, 2008 (*ATTACHMENT "D"*), the petitioners are seeking approval through or relief from:

- § 30-18A(e)(3), which allows the Board of Aldermen to grant a special permit for a façade-mounted installation located in a non-commercial zone;
- § 30-18A (e)(6), which allows the Board of Aldermen to grant a special permit for building mounted wireless communication equipment in a residential zone;
- § 30-24, which allows the Board of Aldermen to grant a special permit for building mounted wireless communication equipment when Section 30-18A (a)&(c) have been satisfied;
- § 30-23, which allows the Board of Aldermen to grant Site Plan Approval; and
- § 30-24, which would also allow the Board of Aldermen to grant an amendment to either of the existing special permits [B.O. #459-97(2) or B.O. #389-99(02)].

VI. OTHER REVIEWS

- A. Newton Historical Commission. The property is located within a National Register District. The petitioners appeared before the Newton Historical Commission on August 28, 2008 and the Commission concluded that the installation would have no further adverse impact on the church or National Register District.

VII. PETITIONER'S RESPONSIBILITIES

The petitioner is considered complete at this time. Should the Board choose to approve this petition, the Planning Department suggests that the petitioner be required to post a bond to assure that the antennas are painted and maintained to match the fieldstone façade of the bell tower.

ATTACHMENTS:

ATTACHMENT A: BOARD ORDER #459-97(2)

ATTACHMENT B: BOARD ORDER #398-99(2)

ATTACHMENT C: NEWTON HISTORICAL COMMISSION REVIEW LETTER

ATTACHMENT D: ZONING REVIEW

ATTACHMENT E: ZONING MAP

ATTACHMENT F: LAND USE MAP

CITY OF NEWTON

IN BOARD OF ALDERMEN

April 21, 1998

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the wireless communication equipment will permit communication without the construction of a tower.
2. The Board finds that the visual impact is not so disruptive to derogate from the purpose of the ordinance.

PETITION NUMBER: 459-97(2)

PETITIONER: Omnipoint Communications

LOCATION: 54 Lincoln Street, Newton Highlands, Section 52, Block 41, Lot 3

OWNER: Newton Highlands Congregational Church

ADDRESS OF OWNER: 54 Lincoln Street
Newton Highlands

TO BE USED FOR: Three (3) wireless communication antennae mounted on a 12 ft. high pole.

CONSTRUCTION: Metal and fiberglass

EXPLANATORY NOTE: Section 30-18A(e)(2) allows the Board of Aldermen to grant a special permit for roof-mounted wireless communication equipment in a Single Residence Districts.

Land referred to is in a Single Residence 2 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with a set of four plans entitled "Omnipoint Communications, Inc. - Highlands Congregational Church, 54 Lincoln Street, Newton, MA.", dated 10/22/97 ; Plan A-2, Exterior Elevations, however, has a revision date of 3/16/98. All plans have been submitted by the petitioner and filed herewith.
2. That the equipment will be kept in good appearance and in good operating order at all times.
3. That if the wireless communication use ceases, the petitioner or the owner of the property (the church) shall be equally responsible for the removal of said equipment within thirty (30) days.
4. That the pole and antennae panels shall be painted a gray color to match the lintels of the church tower.
5. That if new technological changes permit smaller or internal equipment, the provider shall take advantage of such changes and replace the equipment approved herein.
6. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

Under Suspension of Rules

Readings Waived and Approved

19 yeas 4 nays (Ald. Baker, Basham, Bullwinkle, Mansfield)

1 absent (Ald. Ciccone)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on May 5, 1998. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:

(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on _____ and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST
EDWARD G. ENGLISH, City Clerk

#398-99(2)

CITY OF NEWTON

IN BOARD OF ALDERMEN

March 20, 2000

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the installation of wireless communication equipment will enhance the opportunity for Newton citizens to use personal communication devices without necessitating the construction of a new communications tower.
2. The Board finds that the revenue generated by use of the tower to support wireless communication equipment will help preserve an historic structure.
3. The Board finds that the Newton Historical Commission has reviewed and approved the configuration of antennae on this historic structure and that the design and installation will not substantially detract from the historic character of the structure.

PETITION NUMBER: 398-99(2)

PETITIONER: Sprint Spectrum LP d/b/a Sprint PCS/Newton Highlands
Congregational Church

LOCATION: 54 Lincoln Street, Ward 6, Section 52, Block 41, Lot 3.

OWNER: Newton Highlands Congregational Church

ADDRESS OF OWNER: 54 Lincoln Street
Newton Highlands

TO BE USED FOR: Installation and operation of a wireless telecommunication
facility.

CONSTRUCTION: Fiberglass and steel.

EXPLANATORY NOTE: Section 30-18A(e)(3) allows the Board of Aldermen to grant a special permit for facade-mounted wireless communication equipment in a Single Residence District.

Land referred to is located in Single Residence 2 District.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with a set of plans entitled "Sprint Spectrum LP, Site No. BS23XC742A, Revision A," consisting of six sheets numbered A-1, Site Plan; A-2, Partial Site and Tower Plan; Z-3, Building Elevations; Z-4, 300' Radius; D-1 and D-2, Details, prepared by Coler and Colantonio, Inc. All plans have been submitted by the petitioner and filed herewith.
2. The equipment will be kept in good appearance and in good operating order at all times.
3. If the wireless communication use ceases, the co-petitioners shall be equally responsible for the removal of said equipment within thirty (30) days.
4. The antennae panels shall be painted to match the lintels of the church tower.
5. If new technological changes permit smaller or internal equipment, Sprint Spectrum LP or its successor shall take advantage of such changes and replace the equipment approved herein to the extent feasible at this location, and approval for such replacement shall not be unreasonably withheld by the Newton Highlands Congregational Church.
6. The antennae are to be aligned with the gargoyles on the tower façade.
7. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

7. That no portion of the site subject to this SPECIAL PERMIT/SITE PLAN APPROVAL shall be occupied until:
 - a. The petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development, a statement by a registered architect or registered engineer certifying compliance with Conditions 1.

Under Suspension of Rules

Readings Waived and Approved

19 yeas 2 nays (Ald. Basham and Mansfield) 3 absent (Ald. Johnson, M. Lipof, R. Lipof)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on _____. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

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ATTEST:

(SGD) EDWARD G. ENGLISH, City Clerk

Clerk of the Board of Aldermen



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

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(617) 796-1089

September 3, 2008

Scott Lacy
Anderson & Kreiger
1 Canal Park Suite 200
Cambridge, MA 02141

RE: Public Notice Metro PCS Site 54 Lincoln Street Newton Highlands Congregational Church

Dear Mr. Lacy,

On August 28th the Newton Historical Commission reviewed the materials presented for the proposed telecommunications project. The commission concluded that based upon the proposed design and existing site conditions, the installation would have no further adverse impact on the church or National Register district. Should you have any questions please feel free to contact me.

Thank You,

A handwritten signature in cursive script that reads "Brian Lever".

Brian Lever
Senior Preservation Planner

Zoning Review Memorandum

Proposed Wireless Communication Installation

Date: August 15, 2008

To: John Lojek, Commissioner of Inspectional Services

From: Candace Havens, Chief Planner *CH*
 Maurya Sullivan, Principal Planner/Telecommunications Specialist *MS*

cc: Mike Kruse, Director of Planning and Development
 Scott Lacy, Esq., representing MetroPCS

Re: Proposed installation of wireless communication equipment in a residential zone

Applicant: MetroPCS, LLC

Site: 54 Lincoln St.

SBL: Section 52, Block 41, Lot 3

Zoning: SR-2

Lot Area: 38,716 sq. ft.

Use: Church property and function building

Type of Installation:

- ☐ Residential, per Section 30-18A(d)(1)*
- ☐ Amateur, per Section 30-18A(d)(2)
- ☐ Commercial interior-mounted, per Section 30-18A(d)(3)
- ☐ Commercial interior-mounted, located in residential districts, per Section 30-18A(d)(3)
- ☐ Commercial interior-mounted, located in residential districts, per Section 30-18A(e)(1)
- ☐ Commercial roof-mounted, located in residential districts, per Section 30-18A(e)(6)
- ☐ Commercial façade-mounted, per Section 30-18A(d)(5)
- ☒ Commercial façade-mounted, located in residential districts, per Section 30-18A(e)(3)
- ☐ Commercial interior-mounted, located in public use districts, per Section 30-18A(d)(6)
- ☐ Non-residential satellite earth station antennas, per Section 30-18A(d)(7)*
- ☐ Commercial free-standing monopole, per Section 30-18A(e)(7)

-
- ☒ The applicant has submitted a copy of the application to the Director of Planning and Development for Administrative Site Plan review, per Section 30-18A(g) for compliance with Section 30-18A(c).

Background:

Prior Board Order #459-97(2) authorized Omnipoint/T-Mobile to install communications equipment on the steeple roof. Board Order #398-99(2) authorized Sprint to install wireless communications equipment on the steeple façade of the Newton Highland's Congregational Church. The current applicant, a competing wireless company, seeks to install additional wireless communication equipment on the steeple façade as follows:

- Two (2) panel antennas flanking the louvers on the northeast side of the bell tower. The antennas will be painted to match the fieldstone façade of the bell tower.
- Two (2) panel antennas flanking the louvers on the southeast side of the bell tower. The antennas will be painted to match the fieldstone façade of the bell tower.
- Two (2) panel antennas flanking the on the southwest side of the bell tower. The antennas will be painted to match the fieldstone façade of the bell tower.
- One (1) GPS antenna mounted on the roof inside the bell tower parapet.
- Proposed ancillary and radio equipment to be located within the bell tower.

The applicant seeks approval pursuant to Section 30-18A(e)(6), *Wireless Communication Equipment Allowed by Special Permit* due to its location on an existing structure within a residential zone wherein such wireless equipment is not allowed as of right.

Administrative determinations

1. Section 30-18A(e)(6) requires a special permit for building-mounted wireless communication equipment on a structure within a residential zone.
2. Section 30-18A(e)(3) requires a special permit from the Board of Aldermen for a façade-mounted installation located in a non-commercial zone.
3. Section 30-18A(c)(12) requires compliance with the Newton Noise Ordinance. The report submitted by the applicant indicates noise-generating ancillary equipment will meet Newton standards.
4. The submitted plans and information comply with the Newton Zoning Ordinance unless otherwise noted below per the table titled "Summary – Wireless Installation Criteria".
5. See table "Zoning Relief Summary" below.

Summary – Wireless Installation Criteria		
Ordinance		Complies
	Residential Installation	
30-18A(d)(1)	N/A	N/A
	Amateur Installation	
30-18A(d)(2)	N/A	N/A
	Commercial Installation	
30-18A(d)(3)-(5)	Located in Business, Manufacturing, or Mixed Use zone	N/A
30-18A(e)(3) 30-18A(d)(5)	Complies with requirements that façade mounted antennae do not extend above the face of any wall, extend not more than 18" from the face of the building or structures to which attached, does not obscure any window or architectural feature, and blends in with building.	Yes
	Design and Operating Criteria	
30-18A(c)(1)	Applicant has submitted a report from a qualified professional indicating compliance with Federal and Mass. laws and regulations pertaining to radio frequency emissions.	Yes

Summary – Wireless Installation Criteria continued		
Ordinance		Complies
	Design and Operating Criteria (cont.)	
30-18A(c)(1)	Applicant has submitted a copy of the applicable FCC licenses.	Yes
30-18A(c)(2)	Applicant agrees to maintain equipment in good and safe condition and comply with all applicable FCC standards.	Yes
30-18A(c)(3)	Proposed installation is suitably screened and camouflaged.	Yes
30-18A(c)(4)	Fencing controlling access to installation is compatible with neighborhood.	N/A
30-18A(c)(5)	Equipment boxes must be located in interior of building, be completely camouflaged, or completely screened from view from the public way.	Yes
30-18A(c)(6)	Freestanding wireless installation must meet setback requirements; shall be screened from the public way; shall be located in the rear yard of the subject lot.	N/A
30-18A(c)(7)	No part of any building-mounted installation shall be located over a public way.	N/A
30-18A(c)(8)	Installation avoids major topographic changes; minimizes removal of trees and soil in a manner compatible with appearance of neighborhood.	N/A
30-18A(c)(9)	Installation avoids removal or disruption of historic resources on and off site.	TBD*
30-18A(c)(10)	Illumination complies. There will be no illumination.	Yes
30-18A(c)(11)	Complies with requirements pertaining to amateur radio operations.	N/A
30-18A(c)(12)	Applicant has submitted a report from a qualified acoustical engineer indicating installation complies with City of Newton Noise Ordinance.	Yes

TBD* = To be determined

Zoning Relief Summary		
Ordinance		Action Required
	Wireless Communication Installation	
30-18A(e)(6)	Approval of antennas and ancillary equipment in the SR-2 zone.	X
30-18A(e)(6)	Approval of 1 roof-mounted GPS antennae in the SR-2 zone.	X
30-18A(e)(3)	Approval of façade mounted antennas in a non-commercial zone.	X

Zoning Relief Summary continued		
Ordinance		Action Required
	Extension of Non-conforming Structure	
30-21(b); 30-15 Table 1	Not applicable	N/A
	Site	
30-23	Approval of site plan	X
	Special Permit	
30-24(d)	Approval of special permit.	X
	Zoning Board of Appeals	
	Not applicable.	N/A

TBD* = To be determined.

References

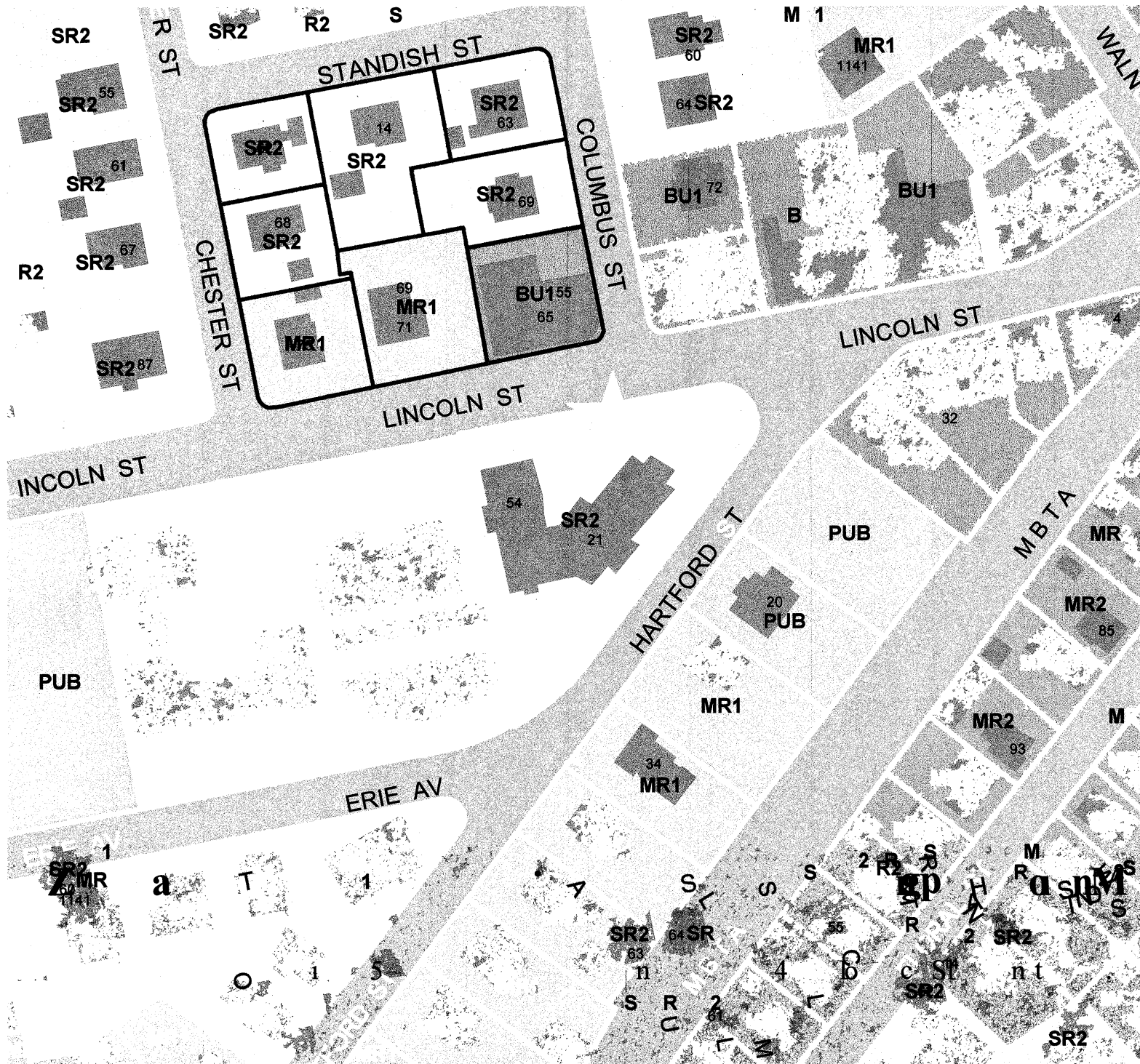
- Board Order #398-99(2) granting a special permit for rooftop wireless installation by Bell Atlantic Nynex Mobile/dba Verizon at 219 Commonwealth Ave.
- Board Order #459-97(2) granting a special permit for rooftop wireless installation by Omnipoint/T-Mobile at 219 Commonwealth Ave.

Plans & materials reviewed:

- Information packet prepared by Scott F. Lacy, Anderson & Kreiger, LLP dated July 9, 2008
- Reuter Associates Noise Study dated August 4, 2008
- Plan set titled "metroPCS, Congregational Church, Newton, MA 02461", last revised 1/29/08, prepared by Coler & Colantonio, 55 Bobala Road, Holyoke, MA 01040, stamped and signed (except where noted below) by Kelly Killeen, Registered Professional Engineer, consisting of the following:
 - Sheet T-1, Title Sheet (not stamped or signed)
 - Sheet Z-1, Plans & Notes
 - Sheet Z-2, Elevations & Details

Zoning Map

54 Lincoln St.



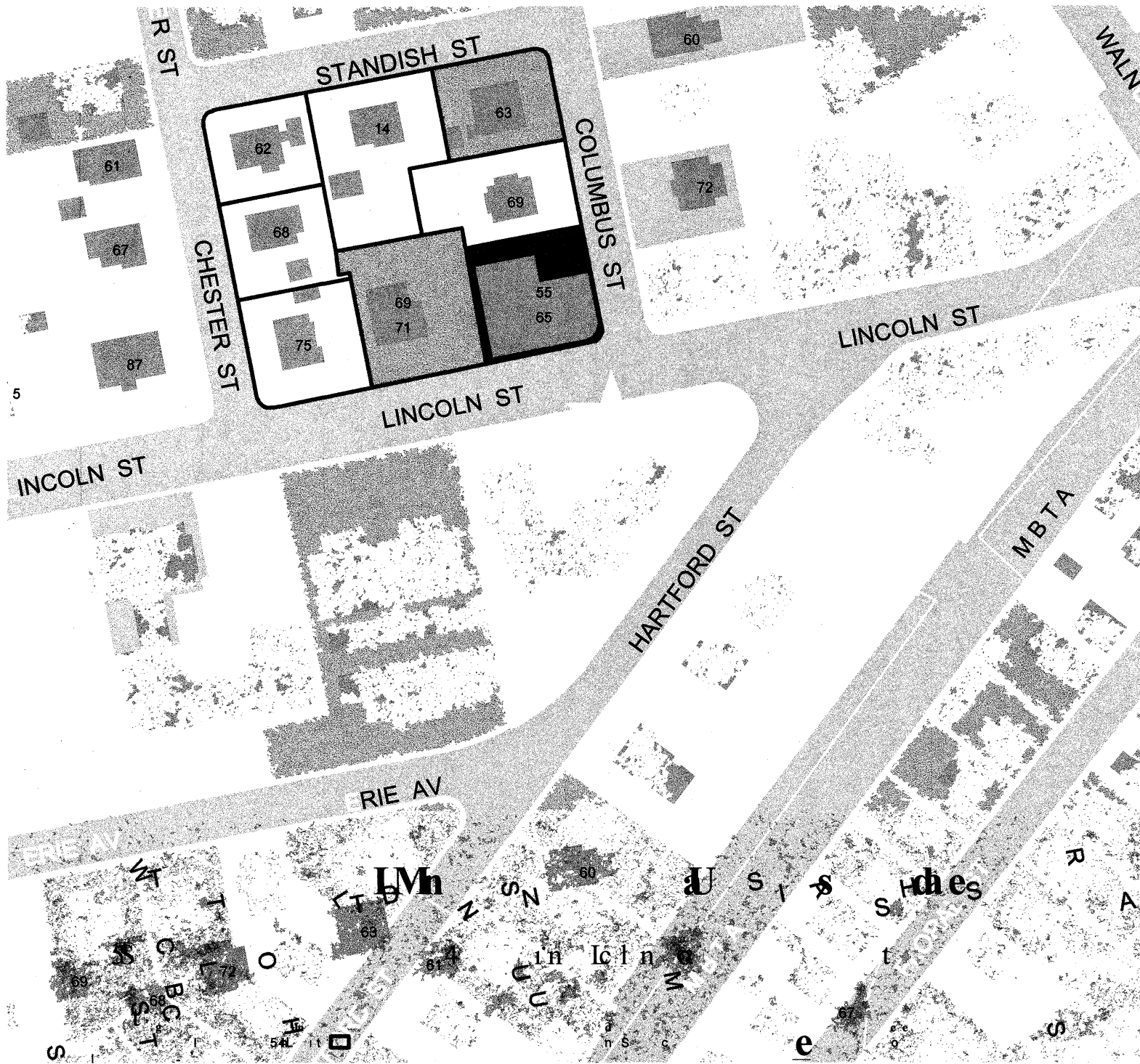
- Legend**
- 54 Lincoln St.
 - House Numbers
 - Building Footprints
 - Single Res. 1
 - Single Res. 2
 - Single Res. 3
 - Business 1
 - Business 2
 - Multi-Res. 1
 - Multi-Res. 2
 - Multi-Res. 3
 - Multi-Res. 4
 - Mixed Use 1
 - Mixed Use 2
 - OS/Rec.
 - Public Use
 - Property Boundaries
 - Extra Map Lines
 - Street Rights-of-Way
 - Newton City Boundary



AT

Land Use Map

54 Lincoln St.



Legend

- 54 Lincoln St.
- Contours-10 Foot Interval
- House Numbers
- Building Footprints
- Single Family Residential
- Multifamily Residential
- Commercial
- Industrial
- Mixed Use
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Property Boundaries
- Extra Map Lines
- Street Rights-of Way
- Newton City Boundary



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Newton City Boundary

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